

**Remarks/Arguments:**

Claims 1 and 4-22 are pending.

Claims 15-22 have been withdrawn from consideration.

Claim 10 has been allowed.

Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 4, and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Grüning et al. (U.S. Patent 5,987,208).

Claims 6-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Grüning et al.

Claim 1 has been amended. It is respectfully submitted that amended claim 1 is patentable over the art of record for the reasons set forth below.

Applicant's invention as recited in amended claim 1 includes features which are neither disclosed nor suggested by the art of record, namely:

the refractive index of said slab refractive index portion in a direction perpendicular to the slab surface is maximized at a predetermined point other than end portions in the slab refractive index portion and is decreased with the increase in distance from the predetermined point . . .

the refractive index of said slab refractive index portion in the direction perpendicular to the slab surface is distributed symmetrically about the predetermined point.

(emphasis added)

These features of amended claim 1 are found in the originally filed application in the description of embodiment 1, pages 25 - 28. No new matter has been added. Applicants' invention as recited in amended claim 1, therefore, has a region within which the index of refraction has a maximum value at a point and continuously decreases in value with distance from that point along a certain direction. The index of refraction is not constant over any distance along this direction. This variation in index value is indicated by the varying shades of grey in Applicants' Fig. 1. By contrast, in the Grüning Patent, the index of refraction is constant within region 7 in Fig. 2 along a direction corresponding to the above direction in Applicant's Fig. 1. This is further disclosed in Grüning at col. 2, line 45 - col. 3, line 8 and also col. 4, line 60 - col. 5, line 21 and col. 6, lines 43-54.

Accordingly, for the reasons set forth above, claim 1 is patentable over Grüning et al.

Claim 4 has been amended to be properly dependent from claim 1. Claims 6-8 have been amended to be properly dependent from claim 4. Claims 4, 6, 7 and 8 therefore include all of the features of claim 1 from which they depend. Therefore, claims 4, 6, 7 and 8 are also patentable over Grüning for the reasons given above concerning claim 1.

Claim 10 has been allowed.

Claim 11 has been amended into independent form and incorporates features of claim 9 and claim 1 before amending. No new matter has been introduced. In accordance with the statement on page 4, paragraph 12, of the Office Action, claim 11 is now in condition for allowance. Claims 12, 13, and 14 all include all the features of either claim 10 or claim 11 from which they depend, and are therefore also in condition for allowance for the reasons stated above concerning claim 11.

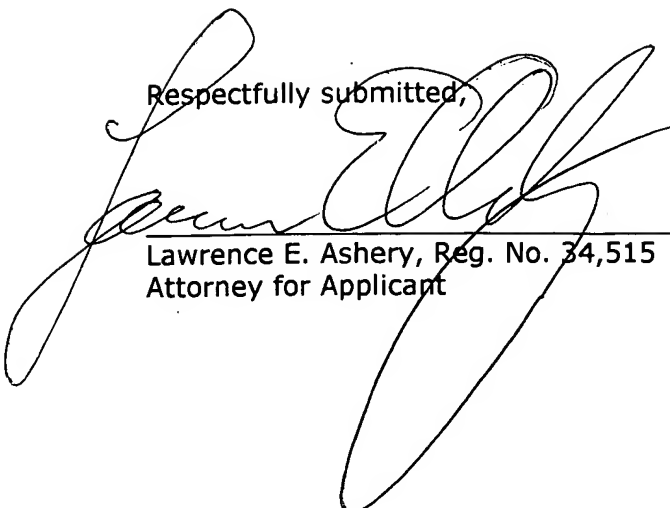
Claims 5 and 9 have been cancelled without prejudice or disclaimer of the subject matter thereof.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Appln. No.: 10/648,905  
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Reply to Office Action of: June 26, 2006

MTS-3453US

Respectfully submitted,

  
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The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

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